

KEVIN G. HORBATIUK (KGH-4977)  
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RUSSO, KEANE & TONER, LLP  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.,**  
26 Broadway - 28th Floor  
New York, New York 10004  
(212) 482-0001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION**  
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**21 MC 102 (AKH)**

**LUIS K. ENCALADA,**

**DOCKET NO.:**  
**07 CV 05354**

**Plaintiff,**

**-against-**

**100 CHURCH, LLC., ABATEMENT  
PROFESSIONALS, ABSCOPE ENVIRONMENTAL  
INC., AMBIENT GROUP, INC., AMERICAN  
EXPRESS COMPANY, AMERICAN  
EXPRESS TRAVEL RELATED SERVICES  
COMPANY, INC., APPLIED ENVIRONMENTAL,  
INC., BRP TOWER C CO., LLC., BFP TOWER C  
MM LLC., BLACKMON-MOORING  
STEAMATIC CATASTPHONE, INC., d/b/a/  
BMS CAT, BRISTOL ENVIRONMENTAL, INC.,  
CATAMOUNT ENVIRONMENTAL, INC., CDL  
NEW YORK LLC., CLAYTON ENVIRONMENTAL,  
CONSULTANTS, COMPREHENSIVE ENVIRONMENTAL  
SERVICE CO., CONTAMINANT CONTROL, INC.,  
COVINO ENVIRONMENTAL, ASSOCIATES, INC.,  
CRITERION LABORATORIES INC., CUNNINGHAM  
DUCT CLEANING CO., INC., DARLING ASBESTOS  
DISPOSAL COMPANY INC., DIVERSIFIED ENVIRONMENTAL  
CORPORATION, DYNASERV INDUSTRIES, INC.,  
ENVIRONMENTAL SERVICES AND TECHNOLOGIES, INC.,  
ENVIRONMENTAL TESTING, INC., GPS ENVIRONMENTAL  
CONSULTANTS, INC., HELLMAN ENVIRONMENTAL  
GROUP, LLC INDOOR ENVIRONMENTAL TECHNOLOGY,**

**NOTICE OF  
ADOPTION  
OF ANSWER TO  
MASTER COMPLAINT**

INC., LAW ENGINEERING, P.C., LEHMAN  
BROTHERS, INC., LEHMAN COMMERCIAL  
PAPER INC., LVI ENVIRONMENTAL SERVICES,  
INC., LVI SERVICES, INC., MARCOR REMEDIATION  
INC., MERRILL LYNCH & CO. INC., MILRO  
ASSOCIATES, INC., NORWICH LABORATIES,  
PAR ENVIRONMENTAL CORPORATION,  
PINNACLE ENVIRONMENTAL CORPORATION,  
POTOMAC ABATEMENT INC., ROYAL  
ENVIRONMENTAL INC., SENCAM, INC.,  
SPECIALTY SERVICE CONTRACTING INC.,  
SYSKA AND HENNESSY, TELLABS  
OPERATIONS, INC., TISHMAN INTERIORS  
CORPORATION, TRAMMEL CROW COMPANY,  
TRAMMELL CROW CORPORATE  
SERVICES, INC., TRC ENGINEERS, INC.,  
TTI ENVIRONMENTAL SERVICES, INC.,  
VERIZON NEW YORK, INC., WILLIAM  
WFP RETAIL CO., G.P., CORP., WFP RETAIL  
CO., L.P., WILLIAM F. COLLINS, ARCHITECT,  
and ZAR REALTY MANAGEMENT, CORP., et al.

**Defendants.**

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PLEASE TAKE NOTICE, that defendant **CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, RUSSO, KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

**WHEREFORE**, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
August 28, 2008

Kevin G. Horbatiuk

Kevin G. Horbatiuk (KGH4977)

Matthew P. Mazzola (MPM7427)

Attorneys for Defendant

**LUIS K. ENCALADA**

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**RK&T File No. 824.078**

TO: CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**LUIS K. ENCALADA**  
115 Broadway - 12th Floor  
New York, New York 10006  
(212) 267-3700

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 28th day of August, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**LUIS K. ENCALADA**  
115 Broadway 12th Floor  
New York, New York 10006

A handwritten signature in black ink, reading "Kevin G. Horbatiuk", written in a cursive style.

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KEVIN G. HORBATIUK